

CAMDEN PLANNING BOARD

Minutes of Meeting

February 3, 2010

PRESENT: Chair Chris MacLean; Members: Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Members Nancy McConnel and Sid Lindsley; and CEO Jeff Nims

PUBLIC COMMENT: No one came forward.

MINUTES:

December 16, 2009:

These minutes were prepared by Mr. Nims and are the only record of the meeting (there are no audio tapes and there is no DVD).

MOTION by Mr. MacLean seconded by Mr. Sabanty to approve the Minutes of December 6, 2009 as submitted.

VOTE: 6-0-1 with Ms. McConnel abstaining due to her absence

January 6, 2010: Further changes:

Page 3: Line 29: ~~“the Quarry Hill’s~~ competition will have an advantage when setting their budgets.

Page 4:

Line 4: “He re-stated that ~~they~~ the proposal ought...”

Line 7: “then it would apply to everyone.”

Page 6:

Line 13: “as well as ~~her~~ Harold Wright’s request for a High Elevation forestry proposal.”

Line 45: The Board will continue to work on the Downtown Zoning Amendment and the following correction was made: “will resume work on ~~the Downtown Zoning Amendment~~, the Historic...”

MOTION by Mr. MacLean seconded by Mr. Sargent to approve the Minutes of January 6, 2010 with the addition of the errata section showing tonight’s changes.

VOTE: 6-0-1 with Ms. McConnel abstaining due to her absence

January 20, 2010:

Page 1: Line 41: ~~“The group is working with Allen Hinsey in developing a proposal for a federal grant to access the expertise...”~~

Page 2: Line 2: Sentence was deleted; duplicated language on Page 1 Line 48.

Page 3: Line 14: ~~“expanding and~~ improving parking...”

Page 4: Line 1: “a raised ~~footpath~~ walkway has been set aside for a ground level ~~boardwalk~~ bridge - it was just not practical...”

MOTION by Mr. MacLean seconded by Mr. Sabanty to approve the Minutes of January 20, 2010 with corrections.

VOTE: 4-0-2 with Mr. Lindsley and Ms. MacKinnon abstaining due to their absence

PUBLIC INFORMATION MEETING: PROPOSED ZONING AMENDMENTS

The Chair explained the process for this evening’s Public Meeting which is being held to gather information on proposed zoning amendments: the Board wants to hear from the public – their

questions and concerns, and the Public has the opportunity to question the Board on their proposals. The CEO will first give a brief overview of the proposal and then the floor will be opened to the public. Each speaker will be given five minutes for initial comments, and if time allows, there could be an opportunity for a second round of comments

Article XII: Site Plan Review: Design Standards.

The CEO explained that this item was not in the Warrant format that is usually presented at Public Hearings. He thought it might be easier for the public to understand the proposal by seeing it in the context of the actual Site Plan Ordinance.

Josh Moore:

The Board has arrived at this point because the people of the Town said that there is something here worthy of protection. Architecture is part of what makes Camden unique, but there other things to consider that are more intangible: the uniqueness of the individual businesses is one component; the overall physical beauty is another; and the architecture is a part of all that. There are many groups working on keeping the downtown vital: the people working on the TIF's, CEDAC, the talk about hiring an Economic Development Director – all this is being done to support new businesses coming to Town. He has concerns about the Board's work:

1. He believes the Board's work on Design Standards is actually a step in the wrong direction and is sending the wrong message to businesses thinking about coming to Camden. This will add an extra level of review. We should be welcoming new businesses with open arms, and he worries that this stand may penalize businesses instead of encouraging them.
2. The standards may actually take the uniqueness out of the Town instead of protecting what is unique.
3. He doesn't believe that the Board completely investigated restricting large franchises, and this is the only class of businesses that may need scrutiny.

Questions from the Board:

Mr. MacLean: How do the standards penalize new businesses? Mr. Moore: By adding one more step to the process, all of which are "knowns" except for this new review process.

Mr. MacLean: When Dunkin' Donuts was planning to come to Town there was no review process. Might it be better to have a known review process and an opportunity to come to a meaningful completion? Mr. Moore: Asked if these standards would stop a Dunkin' Donuts – he believes there is still nothing to prohibit formula businesses. Mr. MacLean: It is very difficult to prohibit formula businesses and it also creates the appearance of a town being anti-business. The Board looked at this option, but decided instead to try to find a balance: how to protect Camden's unique character and be more pro-business.

Mr. Moore: He has done research into formula businesses and cannot find an ordinance that was overturned unless it was not sufficiently supported in its purpose. The pieces are there in existing ordinances to pre-empt legal challenges.

In addition, Mr. Moore finds this proposal very complicated.

Mr. MacLean elaborated on the problem in sorting through how to regulate some formula business – allowing some while banning others. He, himself, went from supporting banning formula business to coming around 180 degrees to thinking this is the better way to protect Camden's character. It seemed that the public supported some kinds of formula businesses –

banks, gas stations, hotels – while those they opposed seemed to fall mostly within the fast food class. There just didn't seem to be a way to distinguish between those that were acceptable and those that were not without creating problems and without creating "unintended consequences", especially as things change in the future.

Mr. Sabanty: Asked Mr. Moore which standards he thought were complicated and would cause businesses problems. Mr. Moore replied that it was the process itself, not the standards.

Mr. Sargent: Mr. Moore had commented that he didn't find these standards could be applied uniformly and Mr. Sargent asked why not. Mr. Moore replied that the standard of "compatible" would not be judged the same way by different boards – what is compatible now to this Board may not be seen the same way when there are different people on the Board. Mr. Sargent replied that was the nature of ordinances – they are organic and change with the times. The Board tried very hard to make this ordinance short and welcoming to businesses. Mr. Moore replied that even if creating inconsistency was not the intent it may be the result with the way the ordinance is written.

Mr. MacLean asked Mr. Moore if he thought that this proposal would stop a Dunkin' Donuts from coming to Town. Mr. Moore answered that it would depend upon the owner. If they changed their design to satisfy the Board that it would be compatible then it would not stop them.

Mr. Householder: Defended the use of these standards as a way to protect the unique character of the Town. Mr. Moore argued that you can't have standards that don't reduce uniqueness – that is the nature of standards – they keep everything the same.

Ms. MacKinnon: Wondered if Mr. Moore would be more amenable to a proposal with a trigger for review that started with a certain square footage – this way it wouldn't be applied to small businesses.

Mr. Moore thinks it is time to get a dialogue going and talk about this issue.

David Dickey:

Agreed with Mr. Moore - especially with regard to the need for an Economic Development Director and a fresh set of eyes looking at what needs to be done here. He doesn't see the need for Design Standards. Over the past twenty-five years he has renovated six storefronts and built a hotel – all from a historical basis. He knows the ordinances, has watched them change over the years, and this proposal distresses him. (At this point Mr. Dickey referenced another amendment which he came back to later in the meeting.)

He is concerned that the time-frame in the ordinance as well as the possibility that the list of criteria could be expanded in the future. For example, Item "f" – it could get to the point where there will be "color police" in Camden – this is not Martha's Vineyard and he will fight this one all the way.

This is too much to put on businesses in the current economy: The delays could mean that a landlord loses a tenant who is interested in renting space but wants to move ahead quickly. A bank loan might be contingent upon Planning Board approval, or they might start charging for the loan right away before the business can open, or they might just say no. This could be a burden on everybody if it holds things up. There are more empty store fronts downtown than in a very long time: some landlords are negotiating rents, some are offering the first month rent-free, just to fill the spaces. Things should be done to help the situation not make it worse.

Ms. MacKinnon asked Mr. Dickey how he thinks the Town should deal with people who are not aware of the history or who are not sensitive to the character of the Town. Mr. Dickey replied that people will strive to fit in on their own. They come here because of the way things look now – on the whole people who locate to Camden have pretty good taste.

Mr. MacLean asked how Mr. Dickey would like it if he had a neighbor who had a gaudily designed store front that drew attention to draw attention to that space. Mr. Dickey believes that people will end up driving that person away because they just won't support him. Locals just won't support new businesses which ignore the wishes of the people – Camden is very good at self-policing and people just won't do business with those folks.

Leonard Lookner:

Thanked the Board for the time they have spent working on this issue. He referenced the Sunday *Boston Globe* Travel Section two-page article on Camden in support of all the statements made about the special character of Camden. This article expressed appreciation for all the many things locals cherish about the area. He asks the Board to constantly be aware of this community, its livability and its character as they do their work. Things are difficult in Town because of the economic hardships, but it is not the time to reduce standards just to fill empty store fronts. The very strength of our ordinances is what will bring businesses to Town because people know their investments will be protected.

Amy Russell:

She is concerned about any attempt to control aesthetics. The Town should be working to promote businesses that everyone wants here and to control the franchises that would impact small businesses. As a designer, she cautions that the Board needs to be careful of controlling aesthetics – it is a very complicated issue with many details that must be considered.

Mr. MacLean asked Ms. Russell if she believed that a formula business that didn't fit in to the community would die off. Ms. Russell did not think that would automatically be the case. These businesses have deeper pockets and other advantages that give them an edge over small businesses. She doesn't think this proposal will get the job done. Her biggest concern is what the businesses are on the inside not what the building looks like on the outside. She thinks this proposal will be harder on small businesses and that it is a slippery slope that would be hard to apply.

Mr. Sargent asked Ms. Russell why the proposal would be hard to use and she replied that she thought it could potentially be difficult to reach an agreement over what was compatible especially if there were several people involved in design – who is to say which color green is compatible and which is not? Mr. Sargent noted that the standards are not harsh and it was not the Board's intent to control every detail. He believes that this ordinance might bring some predictability to the process. There are a variety of steps a new business has to go through to set up and this is just another in that list. He also addressed concerns expressed that this could become a slippery slope by saying that the Board's decisions are not precedential – there will not be a growing list of what businesses can and cannot do.

Mr. MacLean expressed surprise that speakers find this proposal to be anti-business because it is meant to be business friendly. The Board does not think the Town should be sending the message that some businesses are welcome and some are not.

Ms. Russell asked if the Board's intention was to deter franchises. Mr. MacLean replied that it was too difficult to write an ordinance that does this, but the Board feels this proposal sends an encouraging message – it is a way to bring businesses before the Board with the message that the Town wants to work with them. Mr. Sargent added that a process like this should be comforting to a business that is already here as well as a new business because they know that their investment won't be devalued by someone moving in next door.

Mr. Nims expressed the concept that this proposal can be considered just one more tool that the Town does have to deter franchises:

1st: There are no drive-through windows allowed for fast-food outlets. That stops some chains from going any further.

2nd: No more than 20 seats are permitted for take-out restaurants and that is much too small for many chains to consider.

3rd: The Design Standards will be one more way that franchises will not be able to do business as usual.

Tony Grassi:

He asks the Board about the way the Commerce Clause impacted their decision. He asked if they had a legal opinion that they could not ban formula businesses because it violated the Commerce Clause of the Constitution. That was the reason the Chair had given for the Board not going in the direction of banning formula businesses. The Chair did not agree that had been his position: it is a concern that when you start banning formula businesses that you run up against the Commerce Clause concerns. Mr. Grassi asked for a sample of what the language would look like that would address this concern. The Chair replied that there is a way to do it but that is not the way the Board chose to go.

He is also concerned that the Board's decision will not be precedential – it seems in that case that the Board would be acting like design police. The Chair replied that many of the ordinances used by the Planning Board require some sort of subjective decision.

By not dealing with the substance of the moratorium – banning franchises – the Board has ducked the big issue. The result of the proposal will leave things too much the same as they are now and won't make any difference in the Town's inability to regulate franchises. If the shopping experience in Camden is not substantially different than it is in his home town – or in Rockland or Belfast - then people will stop coming here. It is the unique shopping experience that brings people to Camden.

Mr. Sargent: The Board made a cognitive decision that it will not prohibit formula businesses. They looked at ways to define formula businesses and reached the decision that they could not go in that direction. There were many issues: the unintended consequences – an established business could end up being a franchise in the future – and not by choice; the questions about where products come from in stores – who makes those products? Are they the same that would be sold at a franchise? Local businesses do business with franchises – there is no place to draw a line. It seemed it was more important, based on the comments heard from the public, to maintain the way the town looks. The Board didn't sense a crisis – Dunkin' Donuts was the first franchise to try to come to Town in 17 years. The Board thought that this was a good opportunity to look at a review process that considered the exterior of buildings as a way to maintain the character.

Mr. Grassi asked what specific elements the Board found where they did not believe they could restrict a formula business.

Mr. MacLean: Informed Mr. Grassi that he was originally a strident proponent of banning formula businesses – the ones he found most offensive were fast food franchises. But it quickly became apparent that many businesses already in Town would be considered formula businesses – businesses like Mr. Dickey's hotel, perhaps someday Linda Bean's Lobster Rolls would grow to the point where that was a formula business – would she have to leave Town if that happened? Many of the Banks in Town are formula businesses. The more he heard the more he saw this control as pernicious and something that could end up discouraging some businesses from

coming to Town that perhaps would be welcome here otherwise. It may be that it is better to rent to a formula business as long as it looks good than have the storefront remain empty.

From a policy point of view – the Board stepped back and tried to isolate what it was important to protect in the long run. They determined that aesthetics had the most impact on the character of the Town.

Mr. Grassi asked if they did consider restricting formula food franchises. Mr. MacLean replied that the Board asked themselves if they really wanted to govern what kind of food could be served in Town – they did not want to get into micromanaging businesses.

Mr. Sargent added that the message the Board hoped to send was that Camden was open for business in a place with a wonderful, quaint look that would stay that way.

They did not want a repeat of the negative publicity that came from Dunkin' Donuts – the reaction to that around the area was bad.

Mr. Grassi stated that he does not believe that formula businesses are inherently bad – but if they come to Town it will be a different shopping experience here and it is very important that Camden's shopping experience remain as unique as it is today.

Mr. Sargent: He believes that it is important that the town encourage all businesses. Camden is already limited by who will come to Town by the size of available spaces. They already know that this is not a good market for them based on population base.

Ms. MacKinnon reminded Mr. Grassi that these restrictions are limited to just three districts in Town. The Board's goal was to address the moratorium – they certainly did not want to see another which sent such an anti-business message.

Mr. Lindsley: Many years ago the ordinance did not allow tee-shirt shops in Town. When that ban was proposed to be lifted proponents suggested that the Town would take care of any tee-shirt stores that came in – they wouldn't survive. That ban was lifted and now there are several tee-shirt shops and the Town survived. It changed but people must like them because they are still there.

Mr. Grassi does not think that it is the case that the Town will take care of formula businesses if they come – these businesses are very well capitalized and there is a domino effect – if one comes more come.

Mr. Householder: One message the Board did get from the public in the last nine months was that it was important to protect the character of the Town. Now there is nothing to stop someone from tearing down a building and putting up any kind of structure they want. How the town looks is part of the character.

Mr. Grassi: Urged the Board to reconsider controlling fast-food somehow.

Mr. MacLean: It became exponentially more difficult to figure out how to control fast food – some suggested no paper plates or plastic silverware – but there are already places in Town that use those products.

Mr. Grassi believes it would be easy to define fast food formula businesses.

Susan Howland:

She has been consistently concerned about the unintended consequences of this proposal and about its impact on businesses. She realizes you can't use legislation to make people do the right thing. An active community won't have some bad things happen – and she has a certain comfort level that the current ordinances are sufficient. She thinks an Economic Development Director seek good businesses that will fit in Town is a great idea. She agrees that patronage will determine who will prosper – a good business will. She realizes that the moratorium meant that the Board had to do something.

This proposal is a friendly process – but it is also just one more extra piece.

Mr. Sargent noted that the language had been left soft – some standards may seem too vague. He informed her that Belfast had Design Standards in place for several years – at first the process was compulsory but compliance was not. They did this to test drive the ordinance. Ms. Howland would like to hear from some of those businesses that went through the process to see if it was burdensome or caused them any problems.

She is worried about the 60-day time from and the extra review and the delays it may cause. When changes are made to a business proposal you have to go through many steps to make those changes – everybody involved has to buy off and then make their changes which have to go to everybody else – and then back to the bank. She believes that it could be that it could come down to a business having a choice of two towns as their place of business – one has this review process and one does not. There is a possibility they could opt for the one without review. She suggests the Board look for a way to shorten the time frame or else find another way to accommodate businesses more quickly. They could be flexible on short notice in order to hold special meetings – they need to remove the barriers so businesses don't get slowed down.

Mr. Householder: Noted that Belfast's original Design review language required a review after 15 months to see how the system was working – did businesses like it? Just recently they have made compliance compulsory as well – that must speak to the fact that businesses did not see the process as a problem.

Ms. Howland reiterated that she believes that the existing ordinance serves the town well.

Mr. MacLean: The Board heard two options: make no changes to the current ordinance; and go the way of the moratorium and ban formula businesses. They tried to draw on the concerns of both with this proposal. He does not believe the process is burdensome. In many cases it is only one part of the ordinance that a business must go through and one part of the process in starting a business.

Ms. Howland hears the Board say they want to go in this direction. She thinks there is a need to address a business that needs to push forward because of a time crunch. She asked the Board if they would be willing to work with businesses – perhaps by holding special meetings to hear applications and turn them around quickly.

Mr. Sargent noted that by rushing the process too much they won't give voice to businesses already here because they would not be given a chance to participate in the process.

Ms. Howland said that this is exactly what is scary to businesses – to know they have to go through a public review. That uncertainty is hard from a business point-of-view.

Sally Grassi:

She agrees that Design Standards are a part of the protection the town needs but the Board is taking just one small part and ignoring the bigger part. Aesthetics are not the biggest part of what creates community and character – although she doesn't know how the Board would flesh out exactly what that means to everybody. She related a story where all of a sudden chains come to their small Connecticut home-town and local businesses were gone – the entire nature of the community was changed. She noted that the towns and local area were similar in their population bases and in other aspects – if it could happen there it could happen here. As to whether or not this proposal will avoid another moratorium – she thinks that if another Dunkin' Donuts tries to come to Town there will be one.

What is really important here is how the community feels, and she doesn't know if the Board does know. She doesn't know if the group here this evening is representative of the Town or not.

NOTE from the Recording Secretary: In granting approval of these minutes on 3/17/2010, the Board asked that the following information be added for clarification : “ In a review of the facts

of Ms. Grassi's testimony, Mr. Sargent found the following: The Grassi's hometown (Wilton, Connecticut) has a population of approximately 18,000 – Camden's population is approximately 4,000. Although Mrs. Grassi had stated that the two towns – her home town and Camden, Maine – were similar in make-up and population, and therefore faced the same level of threat from development of franchises, this does not prove to be so. In addition to the disparity in population size, there is about the same degree of difference (4:1) with regard to average incomes and average house prices: to call the home-town "small" and define the two situations as "similar" is not supported by these facts."

Mr. MacLean: Explained that the Board has been working on this issue for about one year with much public input – public hearings before and during the moratorium and many meetings since. All the Board's meetings are public and the Board often asks where are the voices that urged us to ban formula businesses. The nature of the process is that people wait until the last minute to become involved and voice their opinions. The Board has developed a policy where citizens can speak at every meeting; there are people who regularly come and share their viewpoints and the Board considers these comments seriously and often incorporates them into their work.

Mrs. Grassi agrees that they do listen, but asks if the Board feels they really listened to what many people said – the majority of the people who came to speak early on.

Mr. MacLean replied that he did listen – he agreed with many of them. He just found compelling the arguments against banning formula businesses. He agrees that in the beginning almost all the public who came to speak to the Board supported a ban. He doesn't know what the majority view is now. He would like to hear from everyone what they think is best for Camden. The Chair explained that there are options for those who don't agree that the Board is on the right track, and he outlined the petition process as an example of one of those options. He added that the petition process, though, was the very antithesis of public process.

Mrs. Grassi asked if any group in Town was looking at how to help local businesses. Susan Howland spoke for the Downtown Business Group – they meet the 3rd Thursday of every month at 7:30 am. They have 50 – 60 members and have been organized for 25 years now. The Chamber is a three-town chamber that doesn't specifically concentrate on Camden's downtown, but they do work on issues.

At this particular point in time there are more groups than ever working on this very issue.

Mr. Sargent noted that in addition to the above work:

- In the past 18 months the Town's Sign Committee worked to gain approval – and to install – new directional signs to help direct visitors to downtown shopping areas and services.
- The Planning Board worked on amendment to reduce the parking fees assessed to downtown businesses.
- CEDAC is work to get an economic Development Director and on creating a TIF District.
- The Planning Board's Downtown Business Committee is working on a proposal to re-invigorate the downtown by improving traffic and parking in the harbor area.
- The Planning Board established a Business Park Committee so the Town could attract businesses.

All this was done to improve the business climate that was so damaged by the moratorium.

Anita Brosius-Scott:

The discussion this evening has been very helpful for defining her perspective. In her experience what drove local businesses out of Town was high rents. She thinks that the Town should ask “How would franchises change the Town?” It would also be helpful to understand why the changes to the Ordinances have been made in the past. Does the Town have any retrospective thoughts? She knows the Town is losing local businesses. She hopes that CEDAC would look at incentives to keep them here – perhaps rent subsidies paid for by the TIF. There should be ways to help small and local businesses.

Believes the Board has done a great job with this approach – it is a very collegial track for businesses to take.

Mr. Moore was given one minute of additional time to speak:

He asked for clarification that there are legal ways to draft a formula business ordinance. The Chair replied that, yes, he thinks that is true. He believes that if the town is careful in how they are defined – as being patently identical – then he wonders if it can be done. He too is disappointed at the lack of public input and wonders if there is a way to reach them: a survey, a website; email – is there some way for the Town to reach out. Then he asked if there was a chance that a formula business ordinance will be put back on the table.

Toni Grassi: While there is much logic and work behind the Board’s work it may seem arbitrary at first glance that they didn’t go with a formula ordinance. He wonders how to inform the public on what is happening. How the Board makes their decisions should be out there.

Mr. Householder noted that the Board’s minutes are available, but Mr. MacLean added that voters are generally apathetic – especially evident with the Planning Board’s work – but prevalent everywhere. No matter where, people just don’t participate.

David Dickey: Came forward again to comment.

Article V Section 2: the new “Use Permit”. This is a permit required when a new owner starts a new business or, in some instances, takes over an existing business. David wondered whether a store going from retail to retail would need a permit. Mr. Nims explained that the town will be better served if a new business owner comes in for a permit so they can help prevent problems that might occur from lack of information before they happen instead of after. Example – someone buying a book store might want to start serving coffee, etc. It may not be obvious to them, but the owners need special permission to do that. This permit process could save them time and expense if they have to end up correcting a mistake. He asked the CEO about the cost. Mr. Nims replied that the permit costs \$10 and the turn-around time is, maximum, five days – usually 2.

Mr. Dickey’s comments:

Design Standards:

Section 2:

(5)(b): What is a new business? It needs to be defined.

Section 6: Approval Criteria

(d) Change wording: The siding isn’t designed it is selected.

(e) Need a better definition of what these kinds of awnings are: it isn’t clear what is meant by rigid, fixed metal, etc.

(f) Opposes any criteria dealing with color – period.

(g) This is not written well: why does it say no spot lights but not address flood lights? What about other outside lighting? What is general lighting for commercial space? Lighting is necessary to let window shoppers know what is inside. Shops use spot lights to light commercial space – especially window displays. He thinks the Board should leave this one and come back to it when it is better thought through.

It was explained to Mr. Dickey that the idea was to address light shining out from the building; the idea was to not allow that lighting to extend beyond the property line which was, normally, the façade of the building.

The CEO explained the balance of the proposed amendments.

1. Amend Article III, Definitions, Functionally Water-Dependent Uses...

Shoreland: This is a new DEP-required definition change that specifically excludes recreational boat storage buildings as a water-dependent use and therefore, not allowed within the Shoreland setback as new construction. The Board discussed DEP's rationale for this change and agreed to send it forward only because DEP requires the change, not because they all agreed with the concept.

2. Amend Article III, Definitions, (adding Great Pond definition from MRSA Title 38).

The Chair asked if this change was required, and if not, was it necessary to make the change now? If not, he prefers not to send anything forward to the voters that is not a priority change for the CEO.

3. Amend Article III, Definitions, Normal High Water Mark or Line – Coastal and Inland, as follows:

Shoreland: DEP required change.

4. Amend Article III, Definitions, Wetland and Coastal...

Shoreland: DEP required change.

Most of this is holdover language that is not needed. The changes make the definition more clear and the change will go forward.

5. Amend Article V, Section 1, fifth sentence:

Adds the web-site posting.

6. Amend Article V, Section 2...

The new mandatory Change of Use permit proposal.

7. Amend Article VI, Section 2(1)(a), second paragraph...

Shoreland: DEP required change – the date that will determine lots affected will be supplied by DEP at a later date.

8. Article VIII, Section 10, E, Minimum Setbacks, Sewer, Residential, Side...

Change being made for ordinance conformity.

9. Amend Article X, Part I, Section 1(2)(d)...

Shoreland: DEP required change.

10. *Amend Article X, Part I, Section 1(9)(j)...*

Shoreland: Change requested by CEO requiring survey in certain shoreland setback cases. The Chair recommended wording stating that Applicant is responsible for paying for the work.

11. *Amend Article X, Part I, Section 1(9)(1)(7), fifth bullet...*

Shoreland: DEP required change.

12. *Amend Article X, Part II, Section 4, (2)(c)(5)...*

Parking permits jurisdiction change.

13. *Amend Article VII, Zoning Board of Appeals, Section 3, (4) as follows:*

All references to changes to Nonconforming Lots are deleted.

There were no comments except a question from Leonard Lookner asking if any of the Shoreland changes made Camden's Ordinance less strict than it is now. The CEO answered that they did not.

The Public Hearing was closed at 7:30pm.

GATEWAY 1 GRANT APPLICATIONS: PRESENTATIONS

Three applications had been submitted for the Board's review and recommendation requesting funding under a Gateway 1 Planning Grant program. The Board heard presentations last meeting and will make their decision on recommendations to the Select Board this evening. Don White, Camden's representative to the Interim Steering Committee was present to answer questions.

The Board had received an email from Geoff Scott dated February 3, 2010 containing additional information on the Pathways application, but they did not add those comments to the record because the time for submissions had closed. This is a new process for the Board and the Chair reviewed the options the Board had with regard to making recommendations:

- They could pick one of the three proposals and recommend only that one.
- They could select two of the proposals – or all three for recommendation. They could also recommend that the grant be split and how - equally or weighted individually.

They do not have a matrix to use to compare the different proposals so the Chair suggested that they look at three criteria:

- What is best for Camden?
- Which proposal is most consistent with Gateway 1 goals for the corridor?
- Which project will, considering the economic times and the need to get a project up and running as quickly as possible, be of help to Camden's businesses sooner than others?

Member comments:

Ms. McConnel:

Pathways: Her support for this project hinged largely on the creation of a crosswalk at the Hannaford stop light. She now knows that DOT will not approve a crosswalk for Route One unless there is a public facility on both sides of the road. Without this feature she does not feel that the pathway will reach its full benefit.

Downtown Planning Group: She has followed this proposal and even participated in a couple of the meetings – she is highly supportive.

Business Park Planning Group: Sagamore Farm and the group's proposal does not seem as urgent to her – it is more long-range planning. She feels the same about Pathways. The Downtown Group's proposal is ready to go.

Mr. Sabanty: Mr. Sabanty serves on the Business Park Committee:

Downtown: The Downtown Group's proposal merits a recommendation to the Select Board based on all the work they have done to prepare this proposal.

Business Park: Although they had surveyors help them prepare for a site survey and had done a couple of site walks the proposal to study the feasibility of a Business Park, a place for businesses that couldn't find space downtown, was put on hold by the Select Board. So the group turned to looking at a study that would inventory commercial property so businesses that are interested in the area would know exactly what kinds of spaces there were available. The bottom line is the same: to create jobs through new businesses in Town.

Pathways: They haven't had enough time to put together a good solid proposal. He is concerned that the current proposal will be taking property of Route 1 property owners for the sidewalk system and thinks the property owner(s) should be contacted. This is just not ready to consider.

Recommendation: to send the Downtown proposal and the Business Group proposal forward with the recommendation that they are equally fundable. He is not recommending that the two proposals both go forward to Gateway splitting the grant because that will not benefit either project. He just wants to send the message that they are both equally good proposals.

Mr. Sargent: Mr. Sargent is Chair of the Downtown Business Group: He had spoken to Peter Gross, the Chair of the Business Park Committee about splitting a grant – they both agreed that was not a good option.

Downtown: He supports this proposal because of its great ability to impact positively right away. They are far enough along in developing this proposal that if the balance of funding is found, they can actually be completed by 2011. This is the only proposal endorsed by CEDAC and is second in ranking to be funded through TIF monies.

Business Park Survey: The Town needs the information that would come from the survey but he believes that it can be gathered without the use of consultants – by volunteers or an intern using Town Office records. Because this proposal would be very beneficial to the realtor community he suggests asking them for a contribution toward costs. In any case, the impact of this study is further out than the Downtown proposal.

Pathways: This is also out in the future to be beneficial. He thinks it is pre-mature to do any kind of independent planning around an intersection that will be re-worked by DOT as the Gateway project comes into Town. They should wait to see what the resulting intersection will look like before presenting a proposal.

Mr. Householder:

Business Park: The cost of this proposal is out of line with the effort required to do the work. 70% of the project is gathering data that can be gathered by volunteers. But they can't just recommend funding just a part of this proposal.

Downtown: This is well thought out and it will enhance the image of Camden. It works to make access to the area safer and to eliminate a current traffic pattern that is dangerous. The proposal takes the whole process into consideration and finds it feasible to do quickly.

Pathways: The number of people that would benefit from this proposal is questionable, and until the John Street intersection is figured out, it is not practical to proceed with the proposal.

He would rank the Downtown proposal #1 and the Business Survey #2.

Mr. Lindsley:

Business Survey: He is a strong proponent of business parks and seeing how the commercially zoned property in Town is going away we seem to be telling businesses that “we don’t have a place for you.” He thinks the group should go to Rockland and look at the how businesses all located at the edges of Town – that wasn’t good planning and if that is what Camden wants then they should just do nothing and it will happen.

He believes that the Board has an obligation to rank the proposals when making their recommendation:

1. Downtown: This will be good for the Town. It will fix a parking problem and do away with some of the many parking spaces that have been set aside and are not available to the public. The group fixed some of the problems with their original proposal and now has a proposal that can be done – when they have the plans ready they’ll find the money will be there. Mr. Lindsley mentioned that he knows that the harbor put about \$50,000 of the revenues it generated last year back into the General Fund with the understanding that it will be made available when there is a harbor project that needs funding. The same thing will happen this year. He thinks that the Downtown Group should go to the Harbor Committee and present this proposal as one that will benefit the harbor – they could end up with perhaps \$100,000 toward their costs.

2. Business Survey: This proposal’s benefit is down the pike.

3. Pathways: He sees too many of pathways projects funded previously that aren’t being used, and doesn’t see funding any more.

The Board agreed not to advance two plans and to recommend to the Select Board that they not split the funding among the proposals.

Mr. MacLean: Asked if any other group had presented to CEDAC in addition to the Downtown Group. Mr. Sargent noted that they were aware of the Business Survey proposal but voted 3-0-1 in support of the Downtown proposal – this was not a formal endorsement.

The Chair allowed that because Board members had spoken in support of two of the three proposals, that it would be fair to allow a spokesman for Pathways time to make a couple of statements. The wife of Pathways Committee Chair, Geoff Scott, was present. Anita Brocius – Scott came forward: She believes that the Board has this proposal mixed up with a pathways project – it is not. This is a Gateway to Camden Plan that will: resolve problems with the John Street intersection; resolve problems with pedestrian safety along Route 1; and enhance the entrance to Town. There will be an official DOT Traffic Study to resolve the intersection problems and they will work around that. Other pathways projects have run into resistance when they involve State roads, and if this project can go forward as work is being done to Route 1 in partnership with DOT that may help the process. Work to this part of Route 1 – to beautify it – has been on the docket for a long time – this is not a new concept.

MOTION by Mr. Householder seconded by Mr. Lindsley that the Planning Board recommend to the Select Board to send the Downtown Planning Group’s request for \$30,000 for Gateway money forward for consideration.

Discussion:

The reasons why the Board supports this proposal should be outlined stressing that it can go forward immediately. Ms. MacKinnon suggested that the Harbor Committee money should be mentioned as offsetting the final cost of construction. Mr. Sargent estimates that could be

\$250,000 at most. Ms. MacKinnon suggested that the group prioritize the various components of the proposal so it is clear what will be done with money as it becomes available. Mr. Sargent noted that the group really wants to be able to complete the project all at once so they can avoid disruption to nearby businesses that may be impacted. It all depends on the approval process of grant monies.

VOTE: 7-0-0

The CEO will write a summary to attach to the Downtown Zoning Amendment. They also need a “Purpose” statement. Mr. Householder suggested that he look at the pre-amble to Belfast’s Design Standards and to the Comprehensive Plan for language.

DISCUSSION:

1. *Site Plan Review pre-applications:* There were none.
2. *Minor Field Adjustments:* There were none.
3. The February 10th meeting will include Public Information sessions on the proposed ordinances with Public Hearings set for March 3rd and March 10th.

There being no further business before the Board they adjourned at 8:35 pm.

Respectfully submitted, Jeanne Hollingsworth, Recording Secretary